105TH CONGRESS 1ST SESSION

H. R. 2949

To authorize the Secretary of the Army to carry out a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1997

Mr. Hulshof (for himself and Ms. Danner) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of the Army to carry out a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. MISSOURI AND MIDDLE MISSISSIPPI RIVERS
- 4 ENHANCEMENT PROJECT.
- 5 (a) DEFINITIONS.—In this section:
- 6 (1) MIDDLE MISSISSIPPI RIVER.—The term
- 7 "middle Mississippi River" means the reach of the

1	Mississippi River from the mouth of the Ohio River
2	(river mile 0, Upper Mississippi River) to the mouth
3	of the Missouri River (river mile 195).
4	(2) Missouri River.—The term "Missouri
5	River" means the reach of the Missouri River from
6	the mouth of the Missouri River (river mile 0, Mis-
7	souri River) to river mile 742.
8	(3) Project.—The term "project" means the
9	project authorized by this section.
10	(4) Secretary.—The term "Secretary" means
11	the Secretary of the Army.
12	(b) Protection and Enhancement Activities.—
13	(1) Plan.—
14	(A) Development.—Not later than 180
15	days after the date of enactment of this Act,
16	the Secretary shall develop a plan for a project
17	to protect and enhance fish and wildlife habitat
18	of the Missouri River and the middle Mis-
19	sissippi River.
20	(B) Activities.—
21	(i) In general.—The plan shall pro-
22	vide for such activities as are necessary to
23	protect and enhance fish and wildlife habi-
24	tat without adversely affecting—

1	(I) the water-related needs of the
2	region surrounding the Missouri River
3	and the middle Mississippi River, in-
4	cluding flood control, navigation, and
5	enhancement of water supply; and
6	(II) private property rights.
7	(ii) Required activities.—The plan
8	shall include—
9	(I) modification and improvement
10	of navigation training structures to
11	protect and enhance fish and wildlife
12	habitat;
13	(II) modification and creation of
14	side channels to protect and enhance
15	fish and wildlife habitat;
16	(III) restoration and creation of
17	island fish and wildlife habitat;
18	(IV) creation of riverine fish and
19	wildlife habitat;
20	(V) establishment of criteria for
21	prioritizing the type and sequencing of
22	activities based on cost-effectiveness
23	and likelihood of success; and

1	(VI) physical and biological mon-
2	itoring for evaluating the success of
3	the project.
4	(2) Implementation of activities.—
5	(A) In General.—Using funds made
6	available to carry out this section, the Secretary
7	shall carry out the activities described in the
8	plan.
9	(B) Use of existing authority for
10	UNCONSTRUCTED FEATURES OF THE
11	PROJECT.—Using funds made available to the
12	Secretary under other law, the Secretary shall
13	design and construct any feature of the project
14	that may be carried out using the authority of
15	the Secretary to modify an authorized project,
16	if the Secretary determines that the design and
17	construction will—
18	(i) accelerate the completion of activi-
19	ties to protect and enhance fish and wild-
20	life habitat of the Missouri River or the
21	middle Mississippi River; and
22	(ii) be compatible with the project
23	purposes described in this section.
24	(c) Integration of Other Activities.—

1	(1) In general.—In carrying out the activities
2	described in subsection (b), the Secretary shall inte-
3	grate the activities with other Federal and State ac-
4	tivities.
5	(2) Effect on authority.—
6	(A) Existing authority.—Except as
7	otherwise expressly provided in this section,
8	nothing in this section affects—
9	(i) the authority to carry out the
10	project for mitigation of fish and wildlife
11	losses, Missouri River Bank Stabilization
12	and Navigation Project, Missouri, Kansas,
13	Iowa, and Nebraska, authorized by section
14	601(a) of the Water Resources Develop-
15	ment Act of 1986 (100 Stat. 4143);
16	(ii) the authority provided by section
17	1103 of the Water Resources Development
18	Act of 1986 (33 U.S.C. 652); or
19	(iii) any other authority in effect on
20	the date of enactment of this Act or any
21	requirement of the authority.
22	(B) New Authority.—Nothing in this
23	section confers any new regulatory authority on
24	any Federal or non-Federal entity that carries
25	out any activity authorized by this section.

(d) Public Participation.—In developing and car-1 2 rying out the plan under subsection (b) and the activities 3 described in subsection (c), the Secretary shall provide for 4 public review and comment in accordance with applicable Federal law, including— 6 (1) providing advance notice of meetings; 7 (2) providing adequate opportunity for public 8 input and comment; 9 (3) maintaining appropriate records; and 10 (4) compiling a record of the proceedings of 11 meetings. 12 (e) Compliance With Applicable Law.—In carrying out the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal 14 law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). 16 17 (f) Cost Sharing.— 18 (1) Non-federal share.—The non-federal 19 share of the cost of the project (including design and 20 construction described in subsection (b)(2)(B)) shall 21 not exceed 25 percent. 22 (2) Federal share of 23 the cost of any 1 activity described in subsection (b) 24 shall not exceed \$5,000,000.

- 1 (3) OPERATION AND MAINTENANCE.—The op-2 eration and maintenance of the project shall be a 3 Federal responsibility.
 - (g) AUTHORIZATION OF APPROPRIATIONS.—

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- (1) In General.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section \$50,000,000 for the period of fiscal years 1999 through 2004.
- (2) Management of funds.—Funds made available under this subsection shall be managed by the Mississippi Valley Division of the Army Corps of Engineers and distributed to the appropriate Districts of the Army Corps of Engineers.

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